

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

EXITEXCHANGE CORP. a Texas
Corporation

Plaintiff,

vs.

FRIENDFINDER NETWORKS, INC., et al.

Consolidated Civil Action No.:
2:13-cv-396-JRG

CONSOLIDATED CASE

JURY TRIAL DEMANDED

JOINT STATUS REPORT REGARDING
PENDING REEXAMINATION OF THE PATENT-IN-SUIT

Pursuant to the Court's Memorandum Opinion and Orders on Defendants' Motions to Stay Pending Reexamination of the Patent-in-Suit entered March 31, 2014 and April 10, 2014 (Dkt Nos. 76 and 80), Plaintiff ExitExchange Corporation and Defendants Lemuria Communications, Inc. and WZ Communications, Inc. (collectively, "Defendants"), by and through their respective undersigned counsel, submit this Joint Status Report to advise the Court as to the status of the reexamination proceedings before the United States Patent and Trademark Office ("USPTO") and the need to continue the stay of the pending litigation. The Parties have received a Decision on Appeal, rejecting some but not all claims of the Patent-in-Suit, but have not yet received a notice issuing the reexamination certificate. The Parties will file another Status Report when the reexamination concludes and the certificate issues. A more detailed history of the status of the reexamination follows.

In July 2013, Defendants filed related Motions to Stay this litigation pending the *ex parte* reexamination of U.S. Patent 7,353,229 (the "'229 Patent"). Within those Motions, Defendants informed the Court that the USPTO issued its first office action, rejecting all twenty-two (22) claims of the '229 Patent, on June 26, 2013.

On August 27, 2013, the patentee filed a response to the rejection wherein eighteen (18) claims of the '229 Patent were voluntarily cancelled by the patentee, four (4) of the original claims were argued, and fifty-seven (57) new claims were added.

On November 13, 2013, the USPTO issued a second Office Action, wherein it again rejected the four (4) original claims of the '229 Patent, and also rejected all fifty-seven (57) new claims of the '229 Patent.

On February 12, 2014, the patentee filed a response to the rejection wherein the response included eighteen (18) cancelled claims, two (2) withdrawn claims, and sixty-four (64) currently pending claims.

On April 15, 2014, the USPTO issued a Final Rejection of all claims, wherein it rejected the pending claims 9, 10, 19, 20, 23-80 and newly submitted claims 81-84.

On July 2, 2014, the patentee filed a Notice of Appeal to the Board of Patent Appeals and Interferences.

On October 14, 2014, U.S. Mail sent to the Third Party Requester from the USPTO was returned to the patent examiner as undeliverable, with no forwarding location.

On December 1, 2014, the patentee timely filed an Appeal Brief to The Board Of Patent Appeals And Interferences.

On March 21, 2016, the Board of Patent Appeals and Interferences affirmed the Examiner's rejection of claims 9, 19, 23-76, and 81-84; the Board of Patent Appeals and Interferences reversed the Examiner's rejection of claims 79 and 80; and pending claims 10, 20, 77, and 78 are not rejected. A true and correct copy of the Decision On Appeal is attached as Exhibit A to this Joint Status Report.

Dated: June 27, 2016.

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served this June 27, 2016 on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Elizabeth L. DeRieux